

TOWN OF CORNWALL

PLANNING BOARD

December 3, 2012

MEMBERS PRESENT: NEIL NOVESKY, CHAIRMAN
KENN BRODMERKEL
LED KLOSKY
WYNN GOLD
HELEN BUNT

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

LESLIE DOTSON
PLANNING BOARD CONSULTANT

ABSENT: MICHAEL LOBLANCO
WILLIAM GRABE

MEETING AGENDA:

1. VanHeerden Subdivision

REGULAR MEETING:

MR. NOVESKY: It's 7:00. Absent are Bill Grabe, called in, he will not be attending. Gary will not be here, we have not heard from, anyone heard from Mike? Going once, going twice? We haven't heard from Mike so he's not here either. He was otherwise delayed.

CORRESPONDENCE

MR. NOVESKY: Correspondence, I have correspondence from Central Hudson, everybody read it? We also gave correspondence from K.J. informing us that we're putting a pipeline in, we have nothing to do with it and that's about it.

OLD BUSINESS

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MR. NOVESKY: Any old business?

MR. CORDISCO: We actually did have additional correspondence regarding the Mill Pond subdivision.

MR. NOVESKY: I have that as a resolution but we can, everybody have the correspondence related to the Mill Pond, we can do that now. Everybody aware of it? Anybody have any question on it?

MR. KLOSKY: Mr. Chairman, last meeting we asked that the subdivision formally known as the Lands of Comito show some documentation to support their assertion of continued progress towards permitting, et cetera, it would seem to me given the vintage of this particular project that to show consistency we should do the same thing in this case, given that the attorney for the project is here this evening, I would simply ask for a statement of what it is that they are, they have actually been up to on the project recently to show progress and sort of to say for future applications why it's been hanging fire this long. I would suggest that we begin to ask for some sign of continued progress on it.

MR. NOVESKY: With that?

MS. BABCOCK: For the record, Michele Babcock from Jacobowitz and Gubits. How is everyone tonight? Yeah, the main issue with this right now, oh, thank you, is the project needs to enter into a developer's agreement with the town. The developer had agreed to replace the sewer system that was down in that end of town and so we were working out the details and so that's probably the main thing, you know, that we need to deal with first.

MR. BRODMERKEL: Are there meetings scheduled?

MS. BABCOCK: Are there meetings scheduled with respect to the town and us?

MR. BRODMERKEL: Yeah.

MS. BABCOCK: No, we have been doing it by e-mail correspondence.

MR. KLOSKY: But that negotiation is ongoing?

MS. BABCOCK: Yes.

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MR. NOVESKY: Okay, that's good with that.

MR. KLOSKY: Move we grant the extension.

MR. GOLD: Second it.

ROLL CALL

MR. BRODMERKEL AYE

MR. GOLD AYE

MS. BUNT AYE

MR. NOVESKY AYE

MR. KLOSKY AYE

APPROVAL OF MINUTES

MR. NOVESKY: Everybody receive their minutes so well prepared again, minutes for November 5?

MR. KLOSKY: I just received these this evening, can we do them next month?

MR. NOVESKY: We have one, two, three, four.

MR. KLOSKY: This just landed on the table this evening so I haven't had a chance to review them.

MR. BRODMERKEL: We can defer it.

MR. NOVESKY: Deferred until next month.

VAN HEERDEN SUBDIVISION #2012-08

MR. NOVESKY: We do have a project subdivision, you've got the floor.

MR. HIGGINS: It's been a while since I've been before the board here, it's been I guess a while. Some of the consultants I see every once in a while. Dave Higgins from Lanc & Tully Engineering. The application that we have is a three lot subdivision for 183 acre parcel of land.

MR. BRODMERKEL: We have that.

MR. NOVESKY: All the board members have it and are somewhat familiar with it, are we not board members?

MS. BUNT: Yes.

MR. NOVESKY: You can do a brief overview.

MR. HIGGINS: So the property right now is, it's at Otterkill Road and Clove Road, Clove Road here, Otterkill Road here. The property is basically the base of a Schunemunk Mountains, Schunemunk Mountains are back in this portion of the site. This is, you know, more of a level farmland areas, there's some farm lanes that transect through the property, a few residential structures on the property.

Mrs. VanHeerden lives in this area by the barn, I'm sorry, right here. What we're proposing to do is subdivide two new lots out of the 183 acre parcel, it's in the ARR district, minimum lot size is three acres but the property's currently under a conservation easement with the Orange County Land Trust and the easement allows the development 2 five acre lots on the property. In addition to the existing residence that's there, we're proposing two lots each five acres in size, lot one which is here and lot two which is here. We had a few meetings with the town's consultants, we worked out the layout. It was decided that because there are two out-parcels that are interior to the property that currently use Tolleson Place which I believe technically is a currently a private drive so basically gravel drive that comes back to these two lots because those are two lots currently access to the two new lots would be by private road upgrade of the existing private road with a turnaround which we have provided, maybe it's worth showing some more detail on these sheets here. So what we have done here is show

the two lots with access off the improved private driveway here basically maintaining, there's some grading that has to be done in here but we're maintaining the same slope. The issue is right now the basically the driveway starts pretty much right at the edge of Otterkill Road and so what we're doing if there's a profile on the next sheet we're extending the low point off Otterkill Road so storm water that comes off doesn't go right into Otterkill Road where it could freeze, there's a low point we're providing now, that's why the grading is associated with the installation of the private road. So there's grading for that turnaround area here and then driveway access to lot, this is the house for lot two, this is the house for lot one. Mrs. VanHeerden selected the locations of those based on the viewpoints that they provide for the existing road. We did soils testing for the septic system in this area too, found good results, found good results in here. Originally, one of the original layouts had the house further back. We're quite confident we'll get good test results up here. We understand we may have to repeat those, actually conduct those. Individual wells will be used for the two lots and we're also providing an access easement technically I don't think there's any easement over the existing private road or drive, there's no easements of record for these two lots but we were providing an easement basically to clear up access to those lots as part of the project.

MR. BRODMERKEL: Before they were two lots, now these two are going to encumber on that so there's no need for an easement before, there was no need for an easement before?

MR. EDSALL: No, they're owned by other people, those two lots.

MS. DOTSON: It was just a mistake that there should have been an easement.

MR. KLOSKY: Related easement and private road agreement.

MR. CORDISCO: Well, that's the difficult thing in terms of, I mean, first of all, to take it apart, if I may, I mean, an easement to the two parcels and two homes that aren't owned by Miss VanHerden they don't need an easement because they have whatever rights they have today. So we have the rights to travel over the

existing private road, nothing here is being proposed that would change or otherwise alter or affect their rights. In fact, you know, the private road that you're putting in as an improvement to the private driveway would be an improvement to their access as long as they continue to have access to it which under this plan they would, a road maintenance agreement would be appropriate for the two new lots because they would need to share in the cost of maintaining that private road.

MR. KLOSKY: Because you end up with basically two types of uses here, that drive that comes off a private drive I guess, you know, individual it's sort of a little, the private road agreement needs to be very, very clear or else you could really end up with a--

MR. CORDISCO: Correct, correct, but this would require private road agreement for the two new lots. We can't impose a requirement that, you know, the two existing lots which I think had shacks on them.

MR. HIGGINS: Basically, yeah, hunting cottage or something kind of delapidated.

MR. BRODMERKEL: Anyone living there?

MR. HIGGINS: I think they live there, not full time.

MR. BRODMERKEL: They hibernate in the winter if they do. There was someone driving out but I think they just kind of tinker in there, I don't think they're living there.

MR. CORDISCO: Just wanted to be clear about that up front.

MR. NOVESKY: Leslie, your comments?

MS. DOTSON: I'm glad that Dave pointed out where the perc tests were done because originally, there was a site proposed all the way back here and the consultants had been concerned about access which is why we're pretty insistent on the private road improvements. Because that made for a really long driveway. So the concern was emergency access. We appreciate that they were cooperative and pulled that back in a way that made it work for them but also made it easier for emergency access. As far as zoning again Dave's explained it pretty well, the lots already exceed what

the zoning requirements are. As far as visual impacts, this is in the Schunemunk AG Scenic Overlay District, that's a standard subdivision, the restrictions of the conservation easement I think keep it pretty much in harmony with the intent of the AG Scenic Overlay District but I take the AG Scenic District layout requirements to be meant for a much larger subdivision to plan, a conservation subdivision. This whole property is already restricted by conservation easement so it already in a sense addresses many of the issues that are intended to be addressed by the zoning.

MR. NOVESKY: The entrance agreement allows for the two subdivisions and that's it?

MS. DOTSON: Yeah, this is it. There's also in the Ridge Preservation Overlay District and my understanding just to clarify if this is not it that you'd like actually to get a special permit for these houses in advance just so that you don't have to come back at the time that the houses are designed. I think that it's okay for the board to do that as long as you can be satisfied that anything that's going to be built there is not going to impinge on anything that's addressed by the Ridge Preservation Overlay requirements. And I think that that's very much the case here, basically anything that they can build that's in the locations that they have shown in harmony with the zoning requirements would not be able to be seen from the specified roadways and vantage points. If that's the, if that is the case and you do want to get special permit I think you do have to amend your application slightly or, you know.

MR. BRODMERKEL: What special permit are we talking about?

MS. DOTSON: Ridge Preservation Overlay District, anything that requires--

MR. BRODMERKEL: This is in it?

MS. DOTSON: Yes, it is.

MR. NOVESKY: Last time we dealt with it, we got sued.

MR. CORDISCO: That's a little bit strong.

MS. BABCOCK: But it's our intent to seek the special permit at this time.

MS. DOTSON: That was my understanding but that's not what the application said.

MS. BABCOCK: We'll amend that.

MS. DOTSON: As I said, I'm clarifying in my comments that I believe that you can address that with no problem.

MS. BABCOCK: We have submitted a visual impact assessment that's required to do that and photographs showing that you can't actually see these new homes from, the standard is from any point on a state, county or interstate highway.

MR. BRODMERKEL: Bet you can see it from the train trestle. It ain't far from there.

MR. HIGGINS: From over there you can see the trestle out in that area.

MR. KLOSKY: I'm sure you can see it from the other home, I guess.

MR. HIGGINS: The one back here.

MS. DOTSON: It's quite wooded, this is an open field so from the very back of the field you can see the trestle but there's a tree line along the front, there's an aerial photo that shows that but there's a tree line along the front tree line along the existing drive down in this section here.

MR. NOVESKY: It would be hard to build a house back there that could be seen, I think you're right.

MS. DOTSON: Very much so and you wouldn't be able to see it from Orrs Mills Road.

MR. NOVESKY: Knowing the people, I don't think she'd approve of something that would be--

MR. CORDISCO: I think there was discussions at one point, correct me if I'm wrong, that these lots were intended to be created for family.

MS. BABCOCK: That is correct.

MR. NOVESKY: I think--

MS. DOTSON: But you can't restrict it.

MR. CORDISCO: No, just to put additional color on it.

MS. DOTSON: Yeah, but I also don't think that you're even going to be able to see it from the trails on top of the mountain because this is basically on kind of the wrong side of the hill.

MR. BRODMERKEL: I have a question, my lack of understanding at this point in time that's preliminary review?

MR. CORDISCO: Correct, initial.

MR. NOVESKY: The only thing we're looking for is--

MR. BRODMERKEL: When we get further along as we have with other things in the overlay district see more definitive plans of these homes or not?

MS. BABCOCK: No, we're not proposing to show you what the homes look like because it's our position that you can't see them and so the code only requires us to show you what the homes are going to look like if you can see them.

MR. BRODMERKEL: And then I remember one on top of the mountain we didn't. Does the code specify the earth tones natural look blending in?

MS. DOTSON: That's for the mitigation measures, in other words, if you can see it, you have to make it, so it's less in your face. The other issue that I have just to finish up my comments the AG does correctly note that there are endangered species known to exist among those, happens to be timber rattle snacks.

MR. KLOSKY: They are there.

MS. DOTSON: That was the only place I have actually kind of seen them really close up. But so, you know, I, we had discussed this beforehand, I do think that, you know, DEC National Heritage Program should receive this and see if they have any specific comments.

MR. NOVESKY: Well, we would be looking for the agency status and that's probably it and that shouldn't generally cover the entire thing, correct?

MR. CORDISCO: That's correct. I mean, you can circulate for lead agency, the point here is that DEC may or may not have independent permit jurisdiction over there, that will be DEC's call to make. I certainly think that the applicant would prefer the town to be lead agency, however, for an environmental review so one of the options would be not to circulate, do your own independent review and then at some point in the future they may or may not have to deal with DEC if it becomes problematic at that point because they would have to do SEQRA again before the DEC.

MR. NOVESKY: Best thing to do would be to determine lead agency status?

MR. CORDISCO: Yes.

MR. NOVESKY: If I can ask one question. The land trust agreement, does that have any condition in it related to should the subdivision occur where you bring in up to five acres in that there be certain restrictions on the construction of those homes in that, you know what I'm talking about?

MR. HIGGINS: Yeah, well, my sheet's probably more tied in with that than I am.

MR. KLOSKY: I'd like to amplify that if we're relying on this conservation easement which I think is a great thing, I don't mean to throw rocks at it, it would make sense for us to see that.

MR. NOVESKY: This is Orange County Land Trust, correct?

MS. BABCOCK: Yes.

MR. KLOSKY: So I'd like to see that become a matter of, I mean, if we're going to defer to that easement as a protection for this property in the long term as part of the assessment of the impacts that it would make sense that that be part of the record and something we can review so I can have confidence in the--

MR. NOVESKY: You have no objection to speaking to the land trust people?

MS. BABCOCK: No, no objection and we'll submit a copy.

MR. CORDISCO: I'll forward it to the board members.

MS. DOTSON: That's good because that will I think to an extent inform your SEQRA declaration in the end.

MR. GOLD: What action are we being asked?

MR. CORDISCO: Just that you intend to serve as lead agency on this project, in addition to sending a copy to DEC, I would also recommend that you send a copy of the notice to the nature conservancy as well because as even though they don't have permit jurisdiction they are still an interested agency and give them an opportunity to comment if they wanted to.

MR. NOVESKY: For us or them?

MR. CORDISCO: We would send the notice.

MR. NOVESKY: You're making a note?

MR. EDSALL: Yes.

MS. DOTSON: Yes.

MR. EDSALL: First one substantially discussed in the presentation, the only item that I want to point out on the private road is with the meetings that we had at the workshop and discussions with the applicant's consultants in support of this application they tried to minimize the amount of new private road disturbance that would occur so the nature of the area would change the least amount possible. So what we worked out was that the upgrade for the private road is only occurring for that portion where there's four users, the two new plus the two existing, the existing private road that serves only the two rear out-parcels is not proposed for upgrade and we're leaving it the heck alone, number one, there isn't really anybody to pay for it, wouldn't be fair for them to pay for something that existed for how many years. Secondly, it didn't seem to be a worthwhile disturbance. We have no reason to understand that it would need to be upgraded, we're upgrading a portion of the private road and the other portion is staying as is, just kind of a clarification.

MR. GOLD: That would be the section up to the turnaround that you're creating?

MR. EDSALL: Right.

MR. NOVESKY: That's good.

MR. EDSALL: The two areas of concern that I have are the sanitary systems which Dave indicated they'll be doing some additional field tests and in my comments, I noted a requirement that they're witnessed by someone from our office so we'll work with Lanc and Tully on that. And relative to the private road as per normal procedure when we have an existing road that has some structural value, we require that the detail show the actual construction but note that as determined in the field a credit can be given for the existing road base. So very well may be that if it's, if they need to widen it two foot on each side, they'd widen full depth and we may look for the Item 4 crown to be established on top of what's there, if what's there isn't adequate base source so I have suggested a note to be added to the plan but the detail also has to be made to match the current road spec. And then effectively we're noting that we may not make you build the whole thing based on what's found in the field. And it's worked very well with several other projects over the last 10, 15 years when we were doing it. Last item if you could just with a note on the plan just note the total acreage of disturbance so we see where you fall storm water wise, I'm hoping that you're well under the five acres.

MR. HIGGINS: I think we will be.

MR. EDSALL: That way maybe just some erosion details and notes would be adequate. Other than that, it's very straightforward, we're trying to limit the amount of disturbance and make it fit into the area as best possible.

MR. BRODMERKEL: Private road inclination maximum 14 percent?

MR. EDSALL: Fourteen percent, that was part of the struggle.

MR. HIGGINS: Yeah, I mean, the existing drive that goes up there is just over 14 percent, we talked about we would have liked to have kept it less than that but just wasn't practical.

MR. EDSALL: Driveway is 15.

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MR. BRODMERKEL: Seems higher than that.

MR. EDSALL: For new.

MR. HIGGINS: We were able to incorporate a low area to keep the storm water off Otterkill Road.

MR. EDSALL: There's a methodology to grant waivers, thank God, but it was purposely added into the street specifications so the zoning board could not grant variances cause it's hard enough to get a private road in and have it hold up and they have done well so--

MR. NOVESKY: Thank you, Mark. Dominic?

MR. CORDISCO: Nothing additional, other than unless the board has any other questions.

MR. NOVESKY: We'll go around the board.

MS. BUNT: No.

MR. GOLD: No.

MR. KLOSKY: Nothing major but a long list of small items. First is the two lots that are at the top, I understand that the use currently is low but there's nothing to say that someone couldn't sell one of those two lots and then the new owner would have a right to erect a home on that property. So given that I think it would make sense to locate at least the water and waste water that currently is up there.

MR. EDSALL: If there's a record.

MR. KLOSKY: If there's any record or if it's possible to do that or if it's not--

MR. NOVESKY: Wouldn't that be the responsibility of the owners of property?

MR. EDSALL: They're far enough away that they don't impact these lots.

MR. KLOSKY: If the well is on that lot, that's my question.

MR. CORDISCO: It would be.

MS. DOTSON: It actually goes over the line.

MR. CORDISCO: If I may, it's a good point but it certainly is something that should be addressed whenever one of the other lots came in and applied for a building permit to put a house there, one of the questions is going to be where do you get your water.

MR. BRODMERKEL: There's a structure there already.

MR. EDSALL: And Gary defers those over to our office. Many times if somebody cares to build a new structure first of all if they add one more bedroom in they got an actual design, they have to provide a new septic design. So yeah, Gary at minimum, Dave could check if there's any records, do a visual inspection if there's any wells in sight and get whatever.

MR. BRODMERKEL: If somebody wants to do something the town would be involved?

MR. EDSALL: Yeah.

MR. KLOSKY: Because those would be attractive lots to buy and develop if you wanted a nice secluded spot.

MR. HIGGINS: I'm guessing the only way ultimately it would improve the value would be to consolidate the two lots and put one, you know, legitimate structure on there as opposed to the two kind of, you know.

MR. KLOSKY: They would have to come in to us, that was my question, they would have to come in to us for approval prior to us issuing a building permit because of the AG Scenic Overlay.

MR. CORDISCO: Because of the Overlay District, correct.

MR. KLOSKY: We don't need to carry that with this application, alright, good. Next for roads of this kind of grade and length we have often asked them to provide a snow turnaround at the base, I would think that a small, just four car plot one for each lot down at Otterkill Road where they could park in the event that the roads become impassible. We've done in that some other cases, the owners appreciated it, it would help with the saleability of the lots so I would encourage that.

MS. BABCOCK: If I may speak to that, you know, the

applicant would really rather not do that, one because it creates more disturbance and the goal here really is to create the least amount of disturbance possible. And that would require some disturbance along the roadway where there's additional vegetation.

MR. NOVESKY: Not to mention offering parking to people who want to go strolling.

MS. DOTSON: We did talk about that at the workshop because we were thinking no one's ever going to get a chance to use it because it's going to be in use by hikers because there's never ever enough parking farther down the road.

MR. KLOSKY: Right, but you understand the 14 percent slope is going to be severe in certain winter events so--

MR. NOVESKY: We can go out there and watch the cars go down.

MR. HIGGINS: We had up to really doesn't hit the 14 percent until you're about close to 50 feet off of Otterkill Road.

MR. KLOSKY: Right, but there's upwards of 100 yards at the 14 percent.

MR. HIGGINS: Once you get into it, yeah, yeah.

MR. KLOSKY: Once you get into it.

MR. HIGGINS: There's enough room for them to get off Otterkill Road.

MS. DOTSON: And if it came down to it when someone comes to plow they have to move their cars but considering the tradeoffs that was one of the reasons we--

MR. KLOSKY: I hear what the applicant's saying, we have no right to require the turnaround down at the base of the road but we have done it in the past with good success.

MR. NOVESKY: But I think here is a bad idea.

MR. KLOSKY: Does it make sense to have a more sophisticated drainage detail at the base of the

14 percent slope in order to cause the volume, the sheer volume of water coming off the road is going to be quite spectacular? So I don't think--

MR. EDSALL: Private road spec requires a stone line channel for those kind of slopes so we'll, when we get the correct detail, it will be on this.

MR. KLOSKY: I didn't see a detail for that.

MR. EDSALL: No, the detail is not complete, that's one of the comments.

MR. BRODMERKEL: Not there yet.

MR. KLOSKY: I would also encourage perhaps some sub drains going down because of the length of that steep slope it might make sense to have some intermediate drains rather than just have one interceptor at the base of the slope because really it will get a good head rolling down there. I've been up on the mountain before when it's raining and the water can really come off it hard.

MR. HIGGINS: That's a good idea.

MR. KLOSKY: The number of outbuildings that could be constructed as part of this, that was two questions I had about the code. First was outbuilding construction, is that limited in these plans or limited by the code? And the second is tree clearing by the eventual owner, I understand we can restrict tree clearing during construction but once the owner takes possession they can then clear it unless there's a specific restriction against that. I'm sure that's not what the current owner would like to see happen but without the right things in place in the deeds and transmittals they could then swing a chain saw.

MR. BRODMERKEL: Isn't there something we just spoke to on the updating of the--

MR. NOVESKY: Led's point is well taken but--

MS. BABCOCK: About a permanent structure on the lot they're allowed to have a garage, a swimming pool, a guesthouse, a greenhouse and a tennis court.

MR. KLOSKY: Guesthouse is no specification on size for that.

MS. BABCOCK: No, there's no specification.

MR. CORDISCO: What you're talking about if I may, Michele, you're looking at restrictions in the conservation easement?

MS. BABCOCK: Correct.

MR. CORDISCO: So that's not addressing whether or not it's allowed under the code or whether or not additional approvals would be required from the board, it's a base level what the conservation easement says.

MR. NOVESKY: But they've got to comply with that conservation easement.

MR. CORDISCO: Correct, before they have to get to us they have to comply.

MR. KLOSKY: Does our code restrict that outbuildings and lot clearing? That's the real question. I didn't see anything about that.

MS. DOTSON: Only in terms of like percentage of lot coverage and height and specific location.

MR. BRODMERKEL: Didn't we just give input on that?

MR. KLOSKY: That was up to 5,000, if they exceeded 5,000 square feet then they had to come to us.

MS. DOTSON: Right.

MR. KLOSKY: But much of the cover which is intended to ameliorate the viewshed impacts could just be cut by the owner.

MS. DOTSON: You mean the tree lines in the front?

MR. KLOSKY: Yes, that's correct, under the current code there's nothing to restrict them.

MR. HIGGINS: So 5,000 square feet is what we're saying?

MR. KLOSKY: For more than that they have to provide notice to the building inspector.

MR. BRODMERKEL: There's something in place that

prohibits them from doing that.

MS. DOTSON: Correct, through the clearing and grading.

MR. KLOSKY: They can clear up to 5,000 square feet without any.

MS. DOTSON: We're not sure if it doesn't restrict that further by the conservation easement.

MR. KLOSKY: That's my question, that's part of my question, my first is does the code restrict it further? The answer is no.

MR. CORDISCO: There's a restriction on clearing and cutting of trees, it says that they cannot clear vegetation or cut trees except as necessary for the construction of the items specifically allowed for the site.

MS. BABCOCK: Which is the house itself?

MR. CORDISCO: Right.

MR. KLOSKY: So in the AG Overlay District they're pretty much restricted to the envelope that's shown on the plans?

MR. CORDISCO: Correct.

MR. KLOSKY: That's good, then I'm satisfied, that's the extent of my questions. Thank up for your patience.

MR. NOVESKY: No, they were good questions. Any other questions? Hearing none, I'll take a motion to establish lead agency.

MR. CORDISCO: Circulate a notice for lead agency.

MR. NOVESKY: That would be it.

MR. KLOSKY: So moved.

MR. BRODMERKEL: Second it.

ROLL CALL

MR. BRODMERKEL	AYE
MR. GOLD	AYE

MS. BUNT AYE
MR. NOVESKY AYE
MR. KLOSKY AYE

MS. BABCOCK: If I can ask what the board's policy and practice is on scheduling a public hearing, would it require us to return next month and to request the board should go forward?

MR. BRODMERKEL: I think we know about the project, what it's going to really look like. I don't think we do.

MR. NOVESKY: We deal with a subdivision not a building permit.

MS. DOTSON: Correct, you know, are you asking that they schedule a hearing for next month or are you asking if you need to return next month in order to ask for it?

MS. BABCOCK: No because--

MR. EDSALL: You have to have the sanitary system designs complete, all the details complete and have established the standing relative to the overlay district as not being visual, visual to all the state and county roads, if you have done all that the board could have the public hearing. You may want to authorize it subject to the consultants verifying all the information is correct.

MR. CORDISCO: The difficulty is that we're about to, we're sending out a notice where we may very well get input from both DEC and the Nature Conservancy and that input may very well have impacts on your plan.

MR. NOVESKY: Shall we schedule a hearing for the February meeting now?

MR. EDSALL: I would just authorize it with the proper information available, that's about the best you can do.

MR. NOVESKY: Pending the--

MR. HIGGINS: You need to send this to the Orange County Department of Planning.

MS. DOTSON: That's already happened, I haven't gotten

anything written from them because obviously there was not enough time but they also had concerns, they wanted to see the conservation easement and they had other concerns as well.

MR. BRODMERKEL: What's the sense of urgency on this?

MS. BABCOCK: None, rather than us having to come back to simply ask for you all to schedule a public hearing subject to the consultants.

MR. BRODMERKEL: It's January, you're not going to start construction in January, that's my only point.

MR. HIGGINS: The number of meetings and consultants and billing.

MR. CORDISCO: You know, I think with several, with several grains of salt perhaps, you know, you could authorize a public hearing for the February meeting. The problem with authorizing it for the January meeting is that time for the notice won't have run so we may not have heard and if even if we were to have a public hearing in January without the days running we wouldn't be able to take action even if you wanted.

MS. BABCOCK: I would be, it's acceptable to schedule for February, that would be wonderful.

MR. CORDISCO: We can do that provided that they respond on the engineering issues and also tentatively do it provided that we receive no substantive comments from the DEC or the Nature Conservancy.

MR. BRODMERKEL: In January we can say no, that can't happen.

MR. CORDISCO: Sure, because you might get a response.

MR. EDSALL: If it gets real cold and the ground freezes they're not going to be doing perc tests until it thaws.

MR. KLOSKY: Can I suggest that we authorize that public hearing at our January meeting and you can just send us a letter?

MR. CORDISCO: There might not be a January meeting because we have not had several meetings because there's not, and I think--

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MR. NOVESKY: Why don't we schedule the meeting conditioned upon the receipt of the proper information?

MR. CORDISCO: This would be February.

MR. EDSALL: If it isn't available February it may be March, maybe April.

MR. BRODMERKEL: I'd like to make a motion that we schedule a public hearing for this development for February.

MR. GOLD: Second it.

ROLL CALL

MR. BRODMERKEL	AYE
MR. GOLD	AYE
MS. BUNT	AYE
MR. NOVESKY	AYE
MR. KLOSKY	AYE

MS. BUNT: Pending all the other stuff that Mark said.

MR. NOVESKY: All conditioned on the consultants receiving the appropriate information, thank you.

MS. BABCOCK: Thank you.

DISCUSSION - 2013 MEETING DATES

MR. NOVESKY: With that, we have one other question, everybody had an opportunity to look at the 2013 meeting dates? Everybody just like them or do you love them?

MR. BRODMERKEL: I will probably been on vacation.

MR. NOVESKY: With that, we'll take a vote on that schedule, we have a quorum, make a motion.

MR. GOLD: I'll make a motion we accept the meeting dates for 2013.

MS. BUNT: Second it.

ROLL CALL

MR. BRODMERKEL	AYE
MR. GOLD	AYE
MS. BUNT	AYE
MR. NOVESKY	AYE
MR. KLOSKY	AYE

MR. NOVESKY: With that, any other points, questions, issues? Motion to adjourn?

MR. BRODMERKEL: I would like to make note that you owe me \$22.

MR. GOLD: Motion to adjourn.

MR. BRODMERKEL: Second it.

ROLL CALL

MR. BRODMERKEL	AYE
MR. GOLD	AYE
MS. BUNT	AYE
MR. NOVESKY	AYE
MR. KLOSKY	AYE

Respectfully Submitted By:

Frances Roth
Stenographer